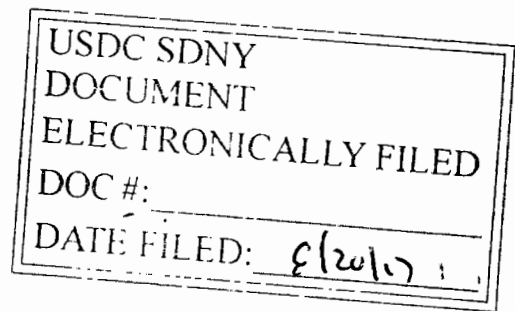


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

- v. -

NICHOLAS AVICOLLI,

Defendant.

SEALED SUPERSEDING
INDICTMENT

S1 17 Cr

17 CRIM 390

COUNT ONE

The Grand Jury charges:

1. From at least in or about January 2012, up to and including in or about June 2017, in the Southern District of New York and elsewhere, NICHOLAS AVICOLLI, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree, together and with each other, to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that NICHOLAS AVICOLLI, the defendant, and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substance that NICHOLAS AVICOLLI, the defendant, and others known and unknown, conspired to distribute and possess with the intent to distribute was a quantity of mixtures and substances containing a detectable amount of oxycodone, in violation of 21 U.S.C. § 841(b)(1)(C).

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the offense alleged in Count One of this Indictment, NICHOLAS AVICOLLI, the defendant, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.


Substitute Assets Provision


5. If any of the above-described forfeitable property, as a result of any act or omission of NICHOLAS AVICOLLI, the defendant:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third person;
- c) has been placed beyond the jurisdiction of the Court;
- d) has been substantially diminished in value; or
- e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)


Foreperson


JOON H. KIM
Acting United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

NICHOLAS AVICOLLI,

Defendant.

TRUE BILL

S1 17 Cr.

(Title 21, United States Code, Section 846.)

JOON H. KIM
Acting United States Attorney.

6/20/17 FICOR IMPDET.MIX. WARRANTS ISSUED

COTT, U.M.